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Supreme Court, U.S.
FILED

No. 00 873 SEP 14 2000

OFFICE OF THE CLERK

In the
Supreme Court of the United States

ROLAND GIBSON, SR., JESSE GIBSON,
ROLAND GIBSON, JR. and DENNIS GIBSON
PETITIONERS

vs.

THE CITY OF NEW ORLEANS and LLOYD WEST
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE
LOUISIANA STATE SUPREME COURT

APPENDIX VOLUME II
Appendix E - Appendix I

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APPENDIX E

CIVIL DISTRICT COURT FOR THE
PARISH OF ORLEANS
STATE OF LOUISIANA

ROLAND GIBSON, ET AL,	*	CIVIL ACTION
PLAINTIFFS	*	
	*	
VERSUS	*	CASE NUMBER
	*	93-2517
LLOYD WEST, ET AL,	*	
DEFENDANTS	*	DIVISION "A"
	*	
	*	SECTION 08

* *

FILED:_____, 1998 _____
DEPUTY CLERK

JUDGMENT OF THE JURY

This cause having been duly tried before and submitted to the Jury and the Jury having returned a verdict in words and figures as follows:

COMPARATIVE FAULT OF THE PARTIES

A) Lloyd West 25%
B) The City of New Orleans.....75%

DAMAGES

A) Roland Gibson, Sr.....$16,000,000.00
B) Jessie Gibson .....$ 9,000,000.00

C) Roland Gibson, Jr.....$2,500,000.00
D) Dennis Gibson.....$2,500,000.00

IT IS ORDERED, ADJUDGED and DECREED that the Jury verdict be recorded.

New Orleans, Louisiana this 27th day of February, 1998.

/s/ Carolyn W. Gill-Jefferson
JUDGE

Please serve Judgment and Notice of Signing of Judgment as follows:

A) The City of New Orleans, Defendant
through its attorney of record
Anabelle Walker, Esq.
Assistant City Attorney
City Hall
1300 Perdido Street - Room 5EO1
New Orleans, Louisiana 70112

B) The City of New Orleans, Defendant
through its attorney of record
Franz L. Zibilich, Esq.
Assistant City Attorney
City Hall
1300 Perdido Street - Room 5EO I
New Orleans, Louisiana 70112

C) Lloyd West, Defendant
through
Lloyd West, Pro Se
Inmate Number 84015
Louisiana Department of Corrections
Police Barracks
265 South Foster Drive
Baton Rouge, Louisiana 70802

D) Roland Gibson, Sr., et al., Plaintiffs
through their attorney of record
Catrice A. Johnson, Esq.
636 North Broad Street
New Orleans, Louisiana 70119

E) Roland Gibson, Sr., et al, Plaintiffs
through their attorney of record
Matthew B. Collins, Jr., Esq.
Dianne J. Marshall, Esq.
Collins & Marshall
234 Loyola Avenue - Suite 310
New Orleans, Louisiana 70112

APPENDIX F

Members of the jury, we now come to that part of the case where I must give you the instructions on the law. If you can't hear me, please raise your hand. It is important that you hear everything that I am going to say with regards to the instructions on the law.

Some of my instructions will be similar to what I told you at the beginning of the trial. It is my duty to tell your the law that applies in this case and it is your duty to follow the law as I state it to you.

During the course of the trial, you have heard objections to evidence. It is the duty of the lawyers on each side of the case to object when the other side offers testimony or other evidence which the lawyer believes is not properly admissible. You should not draw any inference against or show any bias against any lawyer, or the lawyer's client because the lawyer's making of an objection.

During the trial, if I have said or done anything that has suggested to you that I favor the claims or the position of any party, over the other party, you should disregard it. If I have indicated in any way that I have any opinion as to what the facts are in this case or should be, you should. disregard that. I am not the judge of the facts. You are sole judges of the facts.

As I stated earlier, it is your duty to follow the law as I state it to you. You should not be concerned with the wisdom of any rule of law that I might tell you about. You should consider what I say about the law as a whole. You should not single out any one sentence, or individual point

or idea and ignore the others. The order in which the statements about the law are made has no, significance as to their relative importance.

As jurors, there are certain guidelines which you should follow in resolving the issues of fact, in determining the credibility of the witnesses, the weight of their testimony, and thereby arriving at what the facts are in this case.

First, you are to consider only the evidence which has been offered during the trial and such inferences as you can logically and reasonably draw from the evidence.

Second, you must not be influenced by sympathy, passion or prejudice in favor of any party or against any of the parties.

Third, if the testimony on any point is not contradicted, you should treat is as proving that fact unless the testimony seems to you to be impossible or very improbable, or unless the witness has shown by his or her testimony or it is shown by other evidence in the case to be unworthy of belief.

When testimony conflicts, you will get at the truth by weighing the testimony of one witness against that of the others, by considering the witness's interest or lack of interest in the outcome of the case, the partiality or fairness of the witness, the witness's relative opportunity of knowing the facts about which he or she has testified, the witness's conduct or behavior on the witness stand, the manner in which he or she has given testimony, and the other evidence in the

case.

You need not accept all of the testimony of a witness as being true or false; you may accept and believe those parts of a witness's testimony you consider logical and reasonable and reject those parts of the testimony that seem impossible or improbable.

Fourth, if the testimony of a witness is inconsistent with a prior statement, it is your duty to determine if the testimony of the witness should be discredited. I you decide that the testimony of the witness has been discredited, then you are to decide what weight , if any, to give to that testimony.

If you should find that a witness has testified falsely as to a material fact, then you have the right to reject the entire testimony of the witness or reject only part of the testimony, based upon how you are impressed with the truthfulness of the witness;

Fifth, you should consider the quality and not necessarily the quantity or number of witnesses who testify. That is, you should weigh the testimony of the witnesses rather than merely count which side has produced the most witnesses and find in favor of the side with the most witnesses;

Finally, throughout your deliberations you should keep in mind that all persons are equal before the law. All persons, whether individuals or corporations stand equal in the eyes of the law.

Using these tests you should determine the credibility or believability of the witnesses and the weight of their testimony and thereby arrive at the facts of this case.

However, the mere fact that an incident has happened standing alone does not permit you to assume that the incident was caused by anyone's fault or that the plaintiff should recover damages just because there was an incident.

The burden of proof, this being a civil case, a plaintiff has the burden of proving his or her case by a preponderance of the evidence instead of beyond a reasonable doubt as in a criminal case.

What is meant by a preponderance of evidence? This phrase means that after a consideration of all of the evidence, that you, as jurors, find that the existence of a fact is more probable than its nonexistence; rephrased, it means that you believe a fact is more true than not true.

However, you should keep in mind that speculation, guessing and a mere possibility is not sufficient to establish the existence of any fact.

The argument of counsel, also, you have heard what the lawyers have had to say about the evidence in their arguments. You must distinguish between that which counsel may have said by way of argument and the evidence upon which those arguments are based.

Just because a lawyer has said something is a fact does not mean it is so, no matter how many times it may

have been repeated by the lawyer in argument.

The arguments of counsel are nothing more than their suggestions to you as to what they think the evidence is and what it has proven. You may accept or disregard these suggestions as you see fit. What the evidence is and what it has proven is for you and you alone to determine.

Furthermore, when the lawyers stipulate to something it means that they agree to the existence of a fact. Unless I have instructed you to the contrary, you must accept a stipulation as evidence and treat the fact which is stipulated to as having been proven.

Liability, in resolving the issues of liability in this case, there are certain rules of law that you must consider. With regard to this case, you are to consider the following rules of law. The element of proof in a defamation lawsuit are defamatory words, publication, falsity, actual or implied malice and resulting injury. Words that impute or accuse an individual of a crime are defamatory per se; malice and falsity are presumed; and the burden shifts to the Defendants to rebut the presumption.

If a state has contrived through a pretense of a trial, which in truth is but a means of depriving a Defendant of his liberty through a deliberate deception of the Court and Jury, by the presentation of testimony known to be perjured, such a contrivance of a conviction is as inconsistent with the rudimentary demands of justice as is obtaining a conviction by intimidation.

The plaintiff in a malicious prosecution case can establish malice in at least four ways under Louisiana law, number (1) showing that the Defendants, in bringing the proceedings, acted with feeling of hatred, animosity, or ill will toward him,

(2) use of the prosecution by the Defendants for the purpose of obtaining any private advantage, (3) making the charge with knowledge that it was false or with a reckless disregard for the truth or falsity or (4) inference of malice where there is a conscious lack of probable cause for the charge at issue.

In order to maintain an action for malicious prosecution, Plaintiff must show that the criminal proceedings in question was terminated in his favor. Malice is inferred in a malicious prosecution action from lack of probable cause or from a finding that the Defendants acted in a reckless disregard for the Plaintiff's rights.

The elements in a lawsuit based on malicious prosecution are: (1) commencement or continuation of criminal proceedings, (2) legal causation by defendants against the Plaintiff, (3) bona fide termination in favor of Plaintiff, (4) absence of probable cause, (5) presence of malice, (6) damages suffered by the Plaintiff.

Actual Malice" in a defamation lawsuit is defined as knowledge that a defamatory statement is false or made with a reckless disregard for whether it is false or not. Proof of malice is not required to establish defamation claim where words imputing a crime are used, as such words are defamatory per se.

In defamation actions involving statements which are defamatory per se, malice and falsity are presumed and the burden of proof shifts to the Defendants to rebut the presumption.

Where an indictment has been returned by a Grand Jury, that indictment is not conclusive evidence of probable cause to institute criminal proceedings, and any presumption of probable cause which may arise as the result of an indictment, if rebutted by proof that the indictment was obtained by false testimony, or by proof that the prosecution and/or the witness failed to make a full and complete statement of the facts to the Grand Jury, then no probable cause existed for the arrest and subsequent indictment.

Where there is a lack of probable cause resulting from a wanton and reckless disregard for the rights of the accused malicious prosecution will be inferred. Earning capacity in itself is not necessarily determined by actual loss, damages may be assessed for deprivation of what an injured Plaintiff could have earned despite the fact that he may never have been fit to take advantage of the capacity.

What the Plaintiff earned before and after the injury does not constitute the measure of damages for future lost wages. Even if he had been unemployed a the time of the injury he is entitled to an award for impairment of earning capacity. And while his earning capacity at the time of the injury is ability to earn a living. Damages should be estimated on the injured person's ability to earn money, rather than what he actually earned before the injury.

There is evidence tending to show that the Plaintiff has as a result of the occurrence involved in this action sustained injuries that are permanent in nature.

If you find the Plaintiff to be entitled to damages and if you find to a reasonable certainty that the injuries are of a permanent nature, then you must in assessing the damages take into consideration the Plaintiff's work life expectancy.

As an aid to you in determining this question evidence has been furnished as to the statistical life expectancy of the person of the age of the Plaintiff.

If is important that you should realize, should you find it necessary in your deliberations, to estimate plaintiff's life expectancy, that mortality tables only reflect statistical averages. You should also consider other factors that are in evidence for example the Plaintiff's condition of health, living habits, occupation, prospects and the like.

Damages for loss of earning capacity should be estimated on the injured person's ability to earn money, rather than what he actually earned before the injury. While his earning capacity at the time of the injury is relevant, it is not necessarily determinative of his future ability to earn.

Probable cause exists when facts or circumstances within the knowledge of the arresting officer and of which he has reasonable and trustworthy information are sufficient to justify a man of average caution in the belief that the person to be arrested has committed or is comitting an offense.

If you find from the evidence that any witness has been convicted of other crimes, then I charge you that you are not to consider his having been convicted of the said previous offenses and crimes as proof of his guilt of this charge, but you are to consider such previous convictions only in deciding the weight you are to give to his testimony as a witness.

Damages, in determining an award for damages, you should consider both general and special damages. However, you should not conclude that because I am going to speak to you about damages that I believe that the plaintiff should recover. This is only for you to decide and my opinion no matter what you think it is not relevant.

In determining an award for general damages, you are vested with much discretion. By the phrase "general damages" we mean a sum of money that you feel would fairly and adequately compensate the plaintiff for the pain, suffering, mental anguish, loss of lifestyle that the plaintiff has suffered or may suffer in the future.

Insofar as a claim for general damages by a spouse or children of an injured person, the spouse or children may recover for a loss of consortium service, and society; this included the loss of companionship, association, love, affection, conjugal relations, and normal household functions. However, you should keep in mind that any award for general damages is not subject to the payment of federal or state income taxes.

By special damages, we mean out-of-pocket expenses or actual or anticipated losses which plaintiffs have sustained or will sustain as a result of the incident. These may include such items as past and future lost wages, and impairment of earning capacity. In considering lost wages, you should consider gross wages.

Future loss wages, diminished earning capacity, in assessing an award of damages for loss of future wages, or for impairment of earning capacity, you are instructed that this cannot be calculated with a mathematical certainity but that you, as jurors, should determine this award after a consideration of the following factors:

You are to consider the plaintiff's work record, the amount of the plaintiff's earnings in the previous years, the probability or the improbability that the plaintiff would have earned similar amounts during the remainder of the plaintifff's worklife if the plaintiff had not sustained the injury for which he has filed this lawsuit. You should also consider the motivation of the plaintiff to return to work, the decreasing purchasing, power of the dollar and you should consider the plaintiff's gross wages.

The plaintiff must prove both general and special damages by a preponderance of the evidence. And by this I mean that after consideration of all the evidence that you, as jurors, find that the existence of a fact is more probable than its non-existence. However, again you should keep in mind that speculation, guessing and a mere possibility is not sufficient to establish the existence of a fact.

In Louisiana, punitive damages are not allowed and you should not, by your award to punish the defendant. In assessing damages, you should seek only to reasonably compensate the plaintiff for the damages you find the plaintiff has suffered or will suffer.

Experts, the rules of evidence ordinarily do not permit witnesses to testify as to opinions or conclusions. But an expert witness who, by education and experience, have been recognized by the Court as expert in some profession may state an opinion as to relevant and material matters in which they are expert. You should consider each expert's opinion received in evidence and give it such weight as you think it deserves.

Even though a person has been accepted by the Court as an expert, if you decide that the opinion of an expert witness is not based upon sufficient education and experience, or if you should conclude that the reasons given in support of the opinion entirely or give it only such weight as you decide it deserves, if any.

Opinion of doctors, the opinion of a doctor as to the condition of a patient may be based upon entirely objective symptoms revealed through observation, examination, tests or treatment; or the opinion may be based entirely on subjective symptoms, revealed only through statements made by the patient to the doctor, or the opinion may be based on both objective and subjective symptoms.

To the extent any opinion testified to by a doctor is based upon history or subjective symptoms described to the

doctor by the patient, you should consider the truth or falsity of the patient's statements in determining the weight to be given to the doctor's opinion.

In conclusion, you will remember that I told you at the beginning of the trial that you were not to discuss the case amongst yourselves. That restriction is now removed. It is now your duty to consult with one another and to deliberate, with a view towards reaching an agreement, if you can do so without violence to your individual judgment.

Each of you must decide the case for yourself, but you should do so only after a consideration of the case with your fellow jurors and you should not hesitate to change your opinion when you are convinced that you are wrong.

However, you should not be influenced to vote on any question which you have to decide by the fact that a majority of your fellow jurors agree with and you don't.

In your deliberations, you are not to give any additional weight to notes taken by a juror merely because that juror chose to take notes or because his or her notes may be different from your own. You are expected to rely on your memory and any notes you chose to take in forming your opinion.

Louisiana law requires that nine of you agree in order to render a verdict for either side. When nine of you are of the same opinion about the verdict that ends your deliberation and that opinion becomes your verdict.

The first thing that you should do before beginning your deliberations is to choose from amongst yourselves a person to represent you in signing the verdict form. This person will be the foreperson. When you have reached a verdict, this foreperson will sign and date the verdict form. You will conduct your deliberations in the courtroom. I will now explain to you this verdict form.

Members of the jury, please indicate your answers to the following questions in the spaces provided, nine of you must agree on an answer before recording your answer on the verdict form. Number 1, do you find that the plaintiffs have proven by a preponderance of the evidence the defendant, Lloyd West, defamed Roland Gibson, Sr.? Your answer may be yes or no.

Number 2, do you find by a preponderance of the evidence that the plaintiff, Roland Gibson contributed to his arrest and conviction and incarceration? Your answer may be yes or no.

Number 3, what percentage of fault, if any do you attribute for the damages the plaintiffs have suffered as a result of the arrest, conviction and incarceration of the plaintiff, Roland Gibson, Sr.? Your total must equal 100%, Lloyd West, City of New Orleans, none parties, Roland Gibson, and your total must equal 100%.

If you assign any percentage of fault to the plaintiff, Roland Gibson you are to make a full award of damages and not, I repeat, do not make any adjustment for any percentage of fault that you assess to Roland Gibson. Do I make myself clear?

Number 4, what amount, if any, in total expressed in dollar amount do you award to the plaintiff? A. Roland Gibson, Sr., Jessie Gibson, Roland Gibson, Jr., Dennis Gibson. Please sign and date this form.

Ladies and gentlemen, also you are permitted to use the jury instructions during your deliberations should they become necessary just have the foreperson knock on my door.

Additionally, if you have questions during the course of your deliberations, the court can not answer any individual questions. You must give those questions to your foreperson in writing and the court will address them at that time. Should you need any of the evidence that has been offered into the record just knock on my door and I will provide it to you.
(AFTER DELIBERATION)

Ladies and gentlemen of the jury, it's my understanding that you all have reached a verdict in this case. Ms. Dublach, it is my understanding you are the jury foreperson. Would you pass the jury verdict form to Mr. Carter.

Civil District Court for the Parish of Orleans, State of Louisiana, Roland Gibson, et al versus Lloyd West. Civil case number 93-2517, Division "A", jury interrogatories. Members of the jury, please indicate your answers to the following questions in the spaces provided, nine of you must agree on an answer before recording your answer on the verdict form.

Do you find the plaintiffs have proven by a preponderance of the evidence that the defendant, Lloyd West, defamed Roland Gibson, Sr.? The answer to that question is yes.

Question number 2, do you find by a preponderance of the evidence that the plaintiff, Roland Gibson contributed to his arrest and conviction and incarceration? The answer to that question is no.

Question number 3, what percentage of fault, if any do you attribute for the damages the plaintiffs have suffered as a result of the arrest, conviction and
New Orleans, 75%; none parties, 0%; Roland Gibson, 0%.

Ms. Gordon, is this your verdict? Yes.

Mr. Cartier, is this your verdict? Yes.

Mr. Gomez, is this your verdict? Yes.

Mr. Andrews? Yes, it is, judge.

Ms. King? Yes.

Ms. Johnson? Yes, ma'am

Ms. Davis? Yes.

Ms. Duboch? Yes.

Ms. Morris? Yes.

Ms. Richard? Yes.

Ms. Burk? Yes.

Mr. Hawkins? Yes.

What amount, if any, in total expressed in dollar amount do you award to the plaintiff? A. Roland Gibson, Sr., $16,000,000.00; B. Jessie Gibson, $9,000,000.00; Roland Gibson, Jr., $2,500,000.00; Dennis Gibson, $2,500,000.00.

Ms. Gordon, is this your verdict? Yes.

Mr. Cartier, is this your verdict? Yes.

Mr. Gomez? Yes.

Mr. Andrews? Yes, it is, judge.

Ms. King? Yes.

Ms. Johnson? Yes, ma'am.

Ms. Davis? Yes.

Ms. Duboch? Yes.

Ms. Morris? Yes.

Ms. Richard? Yes.

Ms. Burk? Yes.

Mr. Hawkins? Yes, ma'am.

Again, thank you all so very much for your attention and patience over the last three days.

CERTIFICATE

I, ANGELA M. COLEMAN, do hereby certify that the foregoing pages, contain a true and correct transcript, to the best of my understanding in the matter of Roland Gibson, versus City of New Orleans, case number 93-02517, Division "A", Civil District Court, Parish of Orleans, State of Louisiana.

That the testimony was reported by me in shorthand and transcribed under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not of counsel, not related to counsel or the parties hereto, and not in anywise interested in the event of this suit.

Angela Marie Coleman
ANGELA MARIE COLEMAN
OFFICIAL COURT REPORTER

APPENDIX G

BEST AVAILABLE COPY

NEW ORLEANS DEPARTMENT OF POLICE

OFFENSE AGAINST PERSON CASE REPORT

CARD MADE x x

49 F

HOMICIDE (murder) L-21925-67 Seventh 7:3 701

ATTEMPT ☐ about 8:30PM 12/30/67 Saturday 12/31/67 9:2 AM

800-bl Old Gentilly Rd. approx. across Rd. from NOPSI pole #64 Taxi-cab driver

Charles [illegible]elncke W M 43 2450 Gladiolous Street, N.O. La.

Discovered by Police

Adam Bowie, Sr. W M 62 Box 8305 Old Gentilly Road

1966 Plymouth sedan

68 La. Lic. J-662 Taxi X X

Small caliber gun gunshot wound of head none

none gunshot wound right side of head Unit 227 G. Boote

Dr. J. Medina 10:25 AM 12/31/67 Ptn. G. Dugas 10:30 AM car 701 Ptn. G. Dugas 4017

☐ ☐ DOMESTIC TROUBLE ☐ JEALOUSY ☐ ☐ ☐ ☐ ☐

See continuation sheet Sam Moran investiator for Coroner's Office

D. Schnapp & C. Dasalla 3140 Malcolm Goode X ☐ Sam Moran

Unknown

6n

UNKNOWN for questioning only W M 30 5/11 160 ? ? blond unshaven

[illegible] shirt, blue jean trousers, carrying white, or light colored jacket

X

SEE CONTINUATION SHEET

IDENT. ☐ CLEARED BY ARREST ☐ OFFENDER KILLED ☐ CONFESSION ☐ SUICIDE ☐ UNFOUNDED ☐ OTHER ☐

Officer Badge Reporting Officer Badge Supervisor approving Captain Lloyd [illegible] Date of Report

RECORDS DIVISION

CONTINUATION SHEET CASE
NEW ORLEANS DEPARTMENT OF POLICE

Page 2 of 5 pages	**Kind of Report continued** Offense against person

Offense-Charge or Incident	**Name of Victim XXXXXX**
murder	Charles S. Reincke

Item No.
L-21925-67

Lt. Minor Babin assigned to car #710 in company with Patn. Gerald Dugas assigned to car #701 report of conducting an investigation into the murder of one Charles S. Reincke, WM, age 43 yrs. formerly residing 2450 Gladiolous Street, N. O., La. as follows:

At about 9:02 PM on December 30, 1967 car #703 manned by Patn. M. Nunez and Cadet Louis S. Dabdoub, Jr. recovered abandoned Yellow Cab #662 with the engine running, lights burning and windshield wipers operating. This is a 1966 Plymouth fordor painted yellow, bearing 1968 Taxi Louisiana license #1-662, the property of the Toye Brothers Yellow Cab Co. 1600 Annunciation Street. The Driver of the vehicle was not present and could not be located by Officers Nunez and Dabdoub. Upon inspection of the vehicle the Officers found what appeared to be blood stains on the floor on the driver's side in the front. Officers Nunez and Dabdoub suspecting that the Driver of the vehicle in question may have been the victim of foul play notified car 710 Lt. Curtis Gaudet, Platoon Commander. Members of the Homicide Division and Bureau of Identification, along with members of the K-9 Division were summoned to the scene and along with members of the Seventh District conducted a search of the vicinity in an attempt to locate the driver of the

vehicle in question. A representative of the Yellow Cab Co. was contacted and it was learned that Cab #662 had been assigned to one Charles S. Reincke, WM, 43 yrs. residing 2450 Gladiolous Street. The vehicle in question after being checked by members of the B of I and homicide Division was ordered impounded for further investigation and was towed by tow wagon #4215 manned by Patn. L. Elsensohn. A search of the area was continued during the night by members of the 7th District, Homicide Division and K-9 Division but due to darkness and inclement weather proved fruitless.

Reporting Officer	**Badge**	**Date of Report**
Lt. Minor Babin	118	1 - 1 - 68
Supervisor Approving		
Captain Lloyd Poissenot		

CONTINUATION SHEET (CASE)
NEW ORLEANS DEPARTMENT OF POLICE

	Kind of Report continued
Page 3 of 5 pages	Offense against person

Offense-Charge or Incident	**Name of Victim XXXXXX**
murder	Charles S. Reincke

Item No.
L-21925-67

At about 8:30 AM on 12/31/67 the search of the vicinity of the 9000 block of Old Gentilly Road was continued by Lt. Minor Babin, car 710, Patn. Gerald Dugas car 701 and Patn. Joseph Madere and Billy Short car 706. The above Officers were assisted in the search by 18 members of the Crescent

City Civilian Band Operators, under the supervision of their President Mr. Leroy J. Thibodeaux. A short time later Captain Henry Morris, Chief of Detectives arrived on the scene, along with other members of the Detective Bureau and took over direction of the search.

A search of the area was continued until about 9:20 AM on 12/31/67 at which time a body was found by one Mr. Adam Rome, Sr., WM, age 62 yrs. residing box 8305 Old Gentilly Road, a citizen who had volunteered to assist in the search. The body was located submerged in a flooded ditch, face up, on the Lake side of Old Gentilly Road in aout the 8800 block at a point approximately across the roadway from NOPSI utility pole #64, with the head toward the west and the feet toward the east. At this time the radio dispatcher was contacted and advised to notify Homicide Division, Bureau of Identification and the Coroner's Office that the body had been found.

At about 10:00 AM 12/31/67 Sgt. J. Schnapp and Det. C. Desalla of the Homicide Division arrived on the scene and began their investigation for the Detective Bureau. Technician Malcolm Goodg arrived on the scene and took the necessary photographes for the Bureau of Identification. Asst. Coroner Dr. I. Medina and Investigator Sam Moran also arrived on the scene and conducted their investigations. The body was removed from the ditch and placed on the roadway by Patn. Joseph Madere and Patn. Billy Short both assigned to the Seventh District. The body was examined by Dr. I. Medina and pronounced dead at

Reporting Officer	**Badge**	**Date of Report**
Lt. Minor Babin	118	1 - 1 - 68
Supervisor Approving Captain Lloyd Poissenot		

CONTINUATION SHEET CASE
NEW ORLEANS DEPARTMENT OF POLICE

	Kind of Report continued
Page 4 of 5 pages	Offense against person

Offense-Charge or Incident	**Name of Victim XXXXXX**
murder	Charles S. Reincke

Item No.
L-21925-67

10:25 AM on 12/31/67. Sam Moran special investigator for the Coroner's Office searched the body and removed the below listed articles, which he retained in his possession.

1-One white metal ring with blue stone, taken from ring finger of right hand.

2-One white metal timex man's wrist watch with stretch band, taken from right wrist.

3-One yellow metal ring with clear stone, taken from ring finger of left hand.

4-One key ring with a cluster of keys on each end.

5-One vicks inhaler taken from left jacket pocket.

6-One white metal cigarette lighter, Penquin brand.

7-Two quarters and four nickels

8-Two one dollar bills taken from left top shirt pocket.

9-One white metal Parker ball point pen taken from left shirt pocket.

10-One white metal chain with white metal religious meda taken from around the neck.

Body tag #4017 was affixed to the left ankle of the body by Patn. Gerald Dugas at 10:30 AM on 12/31/67. Crime Lab. Technician Milton Cox checked the body before it was placed into the morgue wagon. The body was conveyed to the City morgue in unit #777 manned by G. Boote

and accompanied by Patn. G. Dugas.

At the Coroner's Office it was determined that the victim had been shot in the right side of the head with an unknown small calibre gun. The body was subsequently identified by a relative and learned to be one Charles S. Reincke, formerly residing 2450 Gladiolous street, N. O., La. and had been employed.

Reporting Officer	**Badge**	**Date of Report**
Lt. Minor Babin	118	1 - 1 - 68
Supervisor Approving		
Captain Lloyd Poissenot		

CONTINUATION SHEET (CASE)
NEW ORLEANS DEPARTMENT OF POLICE

	Kind of Report continued
Page 5 of 5 pages	Offense against person

Offense-Charge or Incident	**Name of Victim XXXXXX**
murder	Charles S. Reincke

Item No.
L-21925-67

as a taxi driver by the Toye Brothers Yellow Cab Co., located at 1600 Annunciation street, N. O., La.

A further investigation into this matter is being conducted by members of the Homicide Division of the Detective Bureau.

Deputy Superintendent of Police Presly J. Trosclair was at the scene and assumed command of the entire investigation.

Captain Henry Marris, hief of Detectives was at the scene and directed the investigation for the Detective Bureau.

Captain Lloyd J. Poissenot was at the scene and directed the investigation for the Seventh District.

Any further development in this matter will be followed by a supplementary report.

Headquarters and all Districts and Divisions notified by teletype bulletin.

Reporting Officer	**Badge**	**Date of Report**
Lt. Minor Babin	118	1 - 1 - 68
Supervisor Approving		
Captain Lloyd Poissenot		

SUPPLEMENTARY REPORT
NEW ORLEANS DEPARTMENT OF POLICE

4.Original Offense or incident	**2. Item**	**3. Dist/Occ**
Murder	L-21825-67	7th

5.Location of Offense or incident **6. Date of Offense**
600 Blk. Old Gentilly Rd. 12-30-67

7.Victims Name **8. Classification of Off.**
Reincke, Charles Bernard, WM RS 14, Art 30

9. Is this Multiple clear-up - List Item numbers

YES ❑ NO ❑

10. Status (Check One)

Cleared ❑ Not Cleared ❑ Unfounded ❑

11. Clearance Credit

25

12. If cleared, Check How Cleared

are ❑ Comp. Refuses to Prosecute ❑
Suicide of Offender ❑ Death of Offender ❑

ON ❑ Cleared by Identification ❑
Prosecuted Outside Jurisdiction ❑

ARRESTED SUBJECTS: 1 - Lloyd West WM, 19 years, residing 1458 Senate, Apt. E.
2- Roland Gibson, WM, 20, residing 4006 Duplessis St.

CHARGED: RS 14, Art. 30 relative to murder of CHARLES BERNARD REINCKE, WM
RS 14, Art. 64, relative to armed robbers of the same victim.

NOTE: ROLAND GIBSON booked additionally under Item C-21329-68, with Art 34 (4 counts) simple battery on Sgts. Eugene Fields and Charles Hinton, and Dets. James Miller and Alex Vega, and RS 14, Art. 108 Resisting arrest, and Art. 27-110, attempt simple escape, under item C-21329-68.

WITNESSES: Sgt. Eugene Fields and Det. James Miller, Det. Bureau, Sgt. Charles Hinton and Det. Alex Vega, Det. Bureau, Capt. James Kruebbe, Det. Bureau, Sgt. Ed O'Donnell Sgt. Robert Hamilton, Sgt. Jake Schnapp, Det. Clem DaSalle, Homicide Division Sgt. John Phillips, Det. Bureau, Det. Gerald Dugas, Homicide Division Lt. Minor Babin, Patn, Manuel Nunez, 7th District

14. Unit Reporting	**15. Reporting Officer**	**Badge**
Det. Bureau	Sgt. Eugene Fields	297

Reporting Officer	**Badge**	**Supervisor Approving**
Det. James Miller	1433	Capt. A. Polito

16. Date of Report
5-10-68

CONTINUATION SHEET CASE
NEW ORLEANS DEPARTMENT OF POLICE

Page 2 of 13 pages	**Kind of Report Continued** Supplemental

Offense-Charges or Incident	**Name of Victim or Arrestee**
RS 14, Art. 30	Reincke, Charles Bernard

Item No.
L-21815-67

Petn. Louis Dabdoub, Jr. 5th District

Lt. Louis O'Neil and Det. Malcolm Goode, B of I

John Koch, Sam Moran, Coroner's Office, Dr. I. Madina, Coroner's Office

Adam Rome, WM, 62 yrs., residing 8501 Old Gentilly Rd.

Dorothy Mae Thoraton, WF, 30 years, 3712 Bruxelles St.

Dudley Thoraton, NM, 30 years, 3712 Bruxelles St.

Thomas Crayton, NM, 30 years, 1425 Laharpe St.

Wilhelmina West NF, 38 years, 1458 Senate, Apt. E.

Jerome West, NM, 11, 1458 Senate, Apt. E.

Sgt. Eugene Fields and Det. James Miller would report of being instructed by Catp. James Kruebbe on 3-27-68, to

pursue the investigation into the murder of Charles Bernard Reincke, WM, which occurred on 12-30-68.

Upon reviewing the case file, these officers noted that on January 29, 1968, Lt. Louis O'Neil of the B of I had advised that he had matched the partial print, found on the left rear window of the victim's cab with the left middle finger of one LLOYD WEST, WM, who had been arrested on charges of aggravated battery, committed with a .22 caliber pistol. Lt. O'Neil stated that he had found SEVEN (7) points of identification, matching the latent print with that of Lloyd West. Lt. O'Neil advised further that he felt that the print was conclusive evidence, he felt that additional evidence

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving Capt. A. Polito			

16. Date of Report
5-10-68

CONTINUATION SHEET CASE

Page 3 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charges or Incident RS 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

should be obtained to strengthen the case.

After this information was passed onto the Homicide Division, D/Sgt. Edmund Gormen, ran ballistics tests on the .22 caliber weapon which West had been arrested with however these tests were inconclusive due to corosion in the bore of the weapon.

On 1-29-68 Lloyd West was brought to the Homicide Division by Dets. Clem DeSalle and Coker. West was then interrogated by Sgt. Robert Hamilton and Det. DeSalle and was informed of the fingerprint which had been found in the cab. West denied any knowledge of the murder and furthermore denied EVER RIDING IN ANY WHITE TAXI. He stated that on Saturday, December 30, 1967, sometime in

the afternood, he went to the Lafayette Apts. 1478 LaFrenier and visited with some friends until late that night when the friends brought him home. He stated that he had been with Dorothy Thornton and her husband, whom he knew only as "James" and with one Thomas Crayton, NM, who resided in Apt. 2 at that same address.

Upon completion of interrogation of Lloyd West, Dest. Desalla and Coker went to 1478 Lafrenier, Apt. 12, where they interviewed Dudley (James) Thornton and his wife Dorothy. Dudley Thornton, stated that he knew Lloyd West, only as a friend of Thomas Crayton, and further that he (Thornton) was out of the city working on 12-30-67.

Dorothy Thornton, when interviewed stated that she did not have any type of party at her house on 12-30-67, but did

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. Eugene. Fields	1433	Det. James Miller	1433
Supervisor Approving		**16. Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET (CASE)

Page 4 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charges or Incident RS 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

recall lending a portable T.V. set to Thomas Crayton during the New Years holidays and that Lloyd West was with him at that time.

Efforts to locate Thomas Crayton in Apt. 2, proved negative, Crayton having moved, leaving no forwarding address.

Due to a heavy workload of homicide cases, coupled with a shortage of manpower, the investigation was not pursued further at that time.

After reviewing the aforementioned facts on 3-27-68, Sgt. Fields and Det. Miller decided to pursue the investigation with regards to Lloyd West further in order to eliminate or

strengthen his role as a suspect in the case.

Sgt. Fields and Det. Miller went to the B of I where they again discuessed the fingerprint identification with Lt. O'Neil. Lt. O'Neil advised at that time that he had in fact found eight (8) points of identification.

Sgt. Fields and Det. Miller at about 1:00 PM, 3-27-68 went to 1478 Lafrenier St. but learned that the Thorntons had moved to 3712 Bruxelles St. Upon going to that location the officers were informed that W. Dudley and Dorothy Thornton would be home after 4:00 PM, same date.

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. Eugene Fields	297	Det. James Miller	1433
Supervisor Approving		**16. Date of Report**	
Capt. A. Polito		5-10-68	

A-100

CONTINUATION SHEET CASE

Page 5 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charges or Incident R.S. 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

Officers returned at 4:15 PM, same date and then interviewed both Dudley and Dorothy Thornton, separately. Dudley Thornton stated at this time that he had made a mistake previously when he told Dets. DeSalle and Coker that he had been out of town on 12-30-67. Stated further that he had been home all night on 12-20-67, with his wife and that Thomas Crayton had been over and had a few drinks with them. He stated without hesitation that LLOYD WEST HAD NOT BEEN TO HIS HOUSE ON THE NIGHT OF 12-20-67. He further stated that the only time during the New Years holidays that he saw Lloyd West was on New Years' day when West and Crayton came to the apartment together and borrowed a T.V. set to watch the Rose Bowl

game.

Dorothy Thornton was questioned and she related basically the same story as her husband. Both of the Thornton's were brought to the Det. Bureau where they both made written statements and identified a photo of Lloyd West. It was further learned from the Thorntons that Thomas Crayton was staying with his family at 1425 Laharpe St.

At about 7:40 PM, 3-27-68, Thomas Crayton was brought to the Detective Bureau where he also made a written statement. Crayton also stated that West was positively not with him on 12-30-67. Crayton stated that Lloyd West and a friend of his known only as "Roland", who was alledged to have been AWOL from the Army at the time. Crayton stated that he left his apartment sortly before noon on 12-30-67,

leaving West and Roland in the apartment. When he returned later in the afternoon, both subjects were gone and he did not see West again until New Years Day.

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

Page 6 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charge or Incident R.S. 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
1-21815-67

On 3-28-68, upon reporting to work, Sgt. Fields and Det. Miller went to the Armed Forces Police Detachment in an effort to obtain the identify of the AWOL soldier, "Roland" who had been with Lloyd West.

A check of their records revealed the subject to be one ROLAND Joseph GIBSON, WM, 20, 4006 Duplessis. Army records reflected that Gibson was reported to the local A.F.B.D. as being AWOL from Ft. Campbell, Ky., as of 7:00 AM., 12-30-67 that that he could have been gone as much as 48 hours prior to that time. Gibson was subsequently apprehended at his residence on 1-9-68 and returned to the stockade at Fort Polk and subsequently discharged

from military service. Photos were obtained of Roland Gibson.

On 3-29-68, Sgt. Fields and Det. Miller went to 4519 Clara St. in an effort to locate Lloyd West, but learned that he had moved to parts unknown. West was located at his mother's house, by Car 308, 3rd District, who conveyed him to the Det. Bureau where he met Sgt. Fields and Det. Miller.

He was advised that he was a suspect in the murder and rights of arrestee from #20893 was completed which West signed. He was shown copies of the statements made by the Thorntons and Crayton, which refuted his alibi for the night of 12-30-67, and he then changed his story, saying that he had made a mistake, that on the night of 12-30-67 he had stayed home with his mother.

Reporting Officer	Badge	Reporting Officer	Badge
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

Page 7 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charge or Incident R.S. 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

Sgt. Fields contacted Dets. N Knaps and E. Knight and requested that they locate Mrs. West and bring her to the Det. Bureau.

Mrs.West arrived in the Det. Bureau at about 9:15 PM, 3-29-68 and she was informed that her son was a suspect in a murder and that he had given her as an alibi on 12-30-67. She stated that Lloyd was not telling the truth, saying she remembered because it was the day before New Year's E and she had wanted him to stay home and paint the kitchen, but he had refused and gone out. She was asked if she would be willing to speak with her son and she agreed. Lloyd West was brought into the office and his mother, in the presence of Sgt. Fields and Det. Miller again stated that he was not

telling the truth about being home on 12-30-67, West still maintained his innocence and his mother asked to speak to him alone and this was agreed upon. A few minutes later, Mrs. West stated that she had spoken to Lloyd but he still maintained his innocence and that he knew nothing about the murder and was willing to take a ploygraph test.

Sgt. Edward O'Donnell Polygraph Operator was contacted and requested to come to the office and administer a test to Lloyd West.

At about 11:00 PM, Lloyd West was taken to the Polygraph office by Sgt. O'Donnell. At about 11:35 PM, Sgt. O'Donnell called Sgt. Fields in the office and requested that he and Det. Miler come downstairs. On arrival officers were informed that results of te test had indicated deception and West at this time admitted being involved in the murder, but saying

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

Page 8 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charge or Incident R.S. 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
1-21815-67

that Roland Gibson had done the shooting. West was taken back to the Det. Bureau where his mother was waiting and he related in her presence his confession. He was asked by Sgt. Fields if he would be willing to report the confession on video tape and he agreed. It should be noted that there was a delay in conducting the video-taped interrogation, due to the equipment being locked up.

At 1:45 AM, 3-30-68, Lloyd West repeated his confession on videotape, in the presence of his mother Wilomina West. Interrogation conducted by Sgt. Fields, with Det. Malcolm Goode operating equipment. Interrogation completed at 1:55 AM, 53 feet of film used. The reel of film was properly marked for identification and placed in the safe in Major

Henry Ferris's[sic] office to be held as evidence. West was booked in CLU at 2:10 AM, as stated herein.

Mrs. West, on learning that officers were going to attempt to effect the arrest of Roland Gibson advised officers to use caution, saying that "Gibson" was "Crazy" and used to beat and abuse his family and would probably try and shoot it out if he had a gun.

A search warrent was drawm up for the residence of Roland Gibson, 4006 Duplessis and signed by Judge Oliver Schmlingkemp, since West in his confession had stated that the murder weapon was under a mattress in Gibson's bed-room.

At about 4:00 AM, Capt. James Kruabbe, Sgt. Fields, Sgt. Minton, Sgt. J. Vitari, Dets. Miller, Buras and Eisemann went to 4006 Duplantis where they served the warrent on Mrs. Gibson, mother of Roland Gibson, who advised that her son

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

Page 9 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charge or Incident R.S. 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

was out drinking. A search of the residence at that time failed to produce the weapon. Sgt. Hinton and Det. Bega[sic] remained in the residence while other officers began to check the surrounding bars and area in search of Gibson.

At about 6:20 AM, Roland Gibson arrived home and when Sgt. Hinton and Det. Bega attempted to handcuff him and advise that he was under arrest he began struggling and cursing loudly, causing a disturbance and waking up many of the neighbors in the area. Gibson at the time of his arrest was in an intoxicated state and appeared to be under the influence of some type of drug. He continued to curse and shout until he was placed in the police car and conveyed away from the scene, by Sgt. Hinton and Det. Bega. While on route to the

office Gibson calmed down. on arrival at Headquarters he was brought into the Homicide Office by Sgt. Hinton and Det. Vega where Sgt. Fields and Det. Miller were waiting Sgt. Fields instructed Det. Vega to fill out a rights of arrestee form and advised Sgt. Hinton to remove the handcuffs from Gibson. Sgt. Hinton removed the handcuffs and as Det. Vega began to read the Rights of Arrestee form #30894, advising Gibson that he was being charged with murder and armed robbery, Gibson leaped from the chair, shouting that he was not going to be framed for no M.... F... murder. Hinton grabbed at Gibson from the rear and Sgt. Fields who was seated in front of him attempted to grab Gibson. Gibson swong at Sgt. Fields punching him in the mid-section. Det. Vega and Det. Miller, came to the officers assistance and succeeded in suduing Gibson and again handcuffing him. Gibson continued to shout and curse and became completly incoherent. The Rights form was completed and Gibson was taken to the C.L.U. and booked as stated, being charged additionally with simple battery on the officers, resisting arrest and attempt simple escape, under Item c-21329-68.

Reporting Officer	Badge	Reporting Officer	Badge
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

Kind of Report Continued

Page **10** of **13** pages Supplemental

Offense-Charge or Incident **Name of Victim or Arrestee**

RS 14, Art. 30 Reincke, Charles Bernard

Item No.
L-21815-67

At about 2:00PM, 3-20-68, Sgt. Hamilton brought Roland Gibson to the office where he and Major Morris again attempted to interrogate Gibson, but Gibson was STILL INTOXICATED at that time.

Upon reporting back to duty at 10:00 PM, 3-30-68, Sgt. Fields and Det. Miller picked up Lloyd West at the C.L.U. and returned him to the Det. Bureau where thay informed

him that Gibson had denied being involved in the murder and a search of the residence had failed to produce the gun.

West at this time told the officers that he had not told the complete truth. He stated that he had the murder weapon at his house but that he had been afraid to tell the officers because he was afraid that they might think that he had shot the man instead of Gibson. He described the gun as a .22 cal. black revolver, rusty, with black tape on the handles, barrell about 4-6 inches long. Stated that the gun was at his mother's house in his room, between the mattress and the box springs. We again agreed to go on videotape, explaining why he lied previously and telling where the gun was at. At 10:55PM, Lloyd repeated his confession on videotape, being interviewed by Sgt. Fields with Tech. John Reilly operating the machine. Interview was completed at 10:59 PM, with 34 feet of tape being used.

A search warrant was then drawn for Lloyd West's residence, 1458 Senate, Apt. E, which was signed by Judge Schulingkemp. At 12:15 AM, 3-31-68, Sgt. Fields and Det.

Miller served the warrant on Mrs. West, explaining what her son had told them about the weapon. West's younger brother Jerome, age 11 years, on overhearing the conversation between Sgt. Fields and

CONTINUATION SHEET CASE

Page 11 of 13 pages	**Kind of Report Continued** Supplemental
Offense-Charge or Incident RS 14, Art. 30	**Name of Victim or Arrestee** Reincke, Charles Bernard

Item No.
L-21815-67

Mrs. West, asked if the officers were looking for a black gun. When informed that they were, Jerome West stated that on Monday, March 26, 1968, he was hiding some money under the mattress in Lloyd's bed and he found a black gun between the mattress and boxsprings and brought it out in the yard and was playing with it. He stated that he left it on his back porch and went for a ride on his bike and when he returned a few minutes later the gun was gone. Mrs. West stated that she recalled Jerome telling her something about finding a gun but had assumed that he was talking about a

toy. Jerome was asked to describe the gun and he gave a description which matched closely with that given by Lloyd West. Jerome West was taken to the Juvenile Bureau by Dets. Leary Adams and Kilsworth Frank where a written statement was taken from Jerome West and will be included in this report.

A message was sent alerting all divisions of the Department to have any confiscated .22 weapons checked by the B of I in an effort to recover the murder weapon.

On 4-1-68, Sgt. Robert Hamilton went to the Parish Prison in company with Mr. Gerald Ariud, court appointed attorney for Lloyd West and Mr. Joseph Gibson, uncle of the suspect.

Gibson, after being advised of his rights by Mr. Arillo denied any knowledge of the murder and stated that he was relieved from duty at 12:00 Noon, 12-30-68 (NOTE..AFTD records show him being reported as AWOL as of 7:00 AM,

12-30-68.

Reporting Officer	Badge	Reporting Officer	Badge
Sgt. E. Fields	397	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

	Kind of Report Continued
Page 12 of 13 pages	Supplemental
Offense-Charges or Incident	**Name of Victim or Arrestee**
R.S. 14, Art. 30	Reincke, Charles Bernard

Item No.
L-21815-67

He stated that he and specialist 4th class William Walters were together until about (8:00PM)[sic] 12-30-67 when they parted company in Clarksville Tenn. He stated that he caught a Greyhound bus in Clarksville at about 10:00 PM, arriving 12-31-67 at about 3:00AM. Statement of Thomas Crayton and Lloyd West both show Gibson was at Crayton's apartment on the night of 12-29-67. Gibson fur-

ther stated that he had been on duty until noon, 12-30-67 with a soldier Specialist 5th. Monroe. Gibson also at that time showed Sgt. Hamilton a pay voucher 602239 dated, 12-29-67, in the name of Roland Gibson for the pay period Dec. 1-31, 1967. Gibson stated that he received pay for this voucher on 12-30-67. He also stated that he had a bus ticket stub at his hgouse which would prove that he had left to come to N.O. on 12-30-67 and that his mother could produce the ticket. Joseph Gibson stated that he would locate the ticket and turn same over to Sgt. Hamilton.

At 8:45 Am, 4-2-68, Sgt. Hamilton called Fort Campbell, Ky. and spoke to Sgt. Gilberto Selinas, who was informed that Gibson was under charges here and requested all information as to the time Gibson was reported AWOL, received his pay voucher and any information that could be obtained from the two soldiers, Sp. Monroe and Williams.

At 9:15 AM, date, Sgt. Salinas called Sgt. Hamilton back and advised the following:

Sp. 4th Williams and Sp. 5th Monroe had both been reassigned and were presently in Viet Nam. Roland Gibson was efficially reported as AWOL at 0700 hours (7:00AM) 12-30-67) as had been previously stated by the local AFFD, which

meant that Gibson had actually heen AWOL since sometime on 12-29-67. Mr. William L. Donsbach, Post Finance Office, Ft. Campbell advised that Gibson was paid with the aforementioned pay voucher on 12-29-67.

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

CONTINUATION SHEET CASE

	Kind of Report Continued
Page **13** of **13** pages	Supplemental
Offense-Charge or Incident	**Name of Victim or Arrestee**
RS 14, Art. 30	Reincke, Charles Bernard

Item No.
L-21815-67

Local C.I.D. unit, U. S. Army has been contacted and requested to locate Sp. Monroe and Williams and obtain statements from them. As of the writing of this report no reply has been received.

Roland Gibson's mother was contacted on two different

occasions on 4-2-68 and she advised Sg.t Hamilton that she is unable to find the bus ticket which Gibson was referring to.

Copies of Roland Gibson's discharge (showing the AWOL date of 12-30-67 and of the pay voucher will be included with this report.

Office of the Honorable District Attorney will be consulted.

ENCLOSURES: Statement of Dorothy Thornton, WF

Statement of Dudley Thornton, WM

Statement of Thomas Crayton, WM

Statement of Jerome West, WM

Search Warrant and Application for 4006 Duplesis, residence of Roland Gibson.

Search Warrant and Application for 1458 Senate, Apt E. residence of Lloyd West.

Copy of discharge and pay voucher of Roland Gibson.

Reporting Officer	**Badge**	**Reporting Officer**	**Badge**
Sgt. E. Fields	297	Det. James Miller	1433
Supervisor Approving		**Date of Report**	
Capt. A. Polito		5-10-68	

APPENDIX H

CRIMINAL DISTRICT COURT FOR
THE PARISH OF ORLEANS

STATE OF LOUISIANA

Case No. _____ Item No. L-21825-67

SEARCH WARRANT

ORDER OF SEARCH

TO: THE SUPERINTENDENT OF THE NEW ORLEANS DEPARTMENT OF POLICE and/or HIS DESIGNATED REPRESENTATIVE(S).

AFFIDAVIT(S) HAVING BEEN MADE BEFORE ME BY Detective James V. Miller

That he has good reason to believe that on or in the (premises) (XXXXXXX) (XXXXXXX) located at 4006 Duplessis St. Bottom Right Apartment, as entering from front of Building from Courtyard within the Parish of Orleans, State of Louisiana as more fully described in the application for this warrant, there is now being concealed certain property, namely, .22 Caliber Revolver, blue or black in color.

WHICH said property constitutes evidence of the commission of a crime or offense against the Laws of the

State of Louisiana set forth in the Louisiana Revised Statutes, and as I am satisfied from the affidavit(s) submitted in support of the application for this warrant that there is probable cause to believe that the aforesaid property is being concealed on the (premises) (XXXXX) (XXXXXX) above described, and that the aforesaid grounds for the issuance of this search warrant exist;

YOU ARE HEREBY ORDERED to search forthwith the aforesaid (premises) (XXXXXX) (XXXXX) for the property specified, serving this search warrant and making the search, and if the property be found there, to seize it, leaving a copy of this warrant and a receipt for the property seized, to make your written return on this warrant including a written inventory of the property seized and to bring the said seized property before me within ten (10) days of this date as required by law.

YOU ARE (XXXXXX) AUTHORIZED to execute this warrant and to make this search during the daytime or the nighttime and if the property herein described be found on the (premises) (XXXXXXXX)(XXXXXXX) herein described to seize said property in accordance with law.

YOU ARE (XXXXX) AUTHORIZED to execute this warrant and to make this search on a Sunday and if the property herein described be found on the (premises) (XXXXXXXX)(XXXXXXXXXX) herein described to seize said property in accordance with law.

NEW ORLEANS, LOUISIANA, THIS 30 DAY OF MARCH 1968.

/s/ illegible
Judge, Section F
CRIMINAL DISTRICT COURT

COPIES:

1-Person Upon Whom Warrant is served
1-Judge Signing Warrant
I-District Attorney
1-Record Room
1-2nd Copy (When Making Return) to Judge
Who Signed the Warrant

Clerk's Office 5-25 20 00
FORM 117 A A true Copy

Revised December 1966 illegible Deputy Clerk,
Criminal District Court

Parish of Orleans

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

APPLICATION FOR SEARCH WARRANT

BEFORE ME, the undersigned Judge of the Criminal District Court, Parish of Orleans, State of Louisiana, personally came and appeared: Detective James V. Miller
living and residing at: 2121 Indiana Ave. Kenner, La.

WHO, after being duly sworn by me, deposed and said that a search warrant should issue authorizing the search, during the daytime or the nighttime and on Sunday, of the following described (premises)(XXXXX)(XXXXX)
4006 Duplesses St. bottom right apartment as entering from the front of the building from the Courtyard
more particularly the xxxxx multiple family dwelling
municipal number 4006 Duplesses St. bottom right apartment as entering from the front of the building from the Courtyard

Type of Occupancy (residence)(XXXXX)

Structure brown brick
Number of Stories two stories
Apartment Number

FOR the purpose of seizing the following described property .22 caliber revolver, blue in color.

A-123

Clerk's Office 5-25 20 00
A true Copy

Revised December 1966 illegible Deputy Clerk,
Criminal District Court

Parish of Orleans

Page One(l) Continued on page two(2)

THE reasons and facts for the request of this search warrant are:

That on December 30, 1967, a Yellow cab number 662, bearing 1967 La. License, was found abandoned in the 9000 block of Old Gentilly Road, at about 9:00 P.M. by Patrolman N. Nunez of the Seventh District, and upon close examination of this cab, found with the lights on, motor running, the officer found what appeared to be blood stains on and about the floor of the cab. No operator could be found in the area. Fearing foul play, the detective bureau was notified, a search was made of the immediate area, and proved negative. The cab was then taken to the Motor maintace and kept in a locked cage, for furthur Processing. Other investigation was conducted, attempting to locate the driver of said

cab, but to no avall. It was learned from the Toye Bros. Yellow Cab Co. it was learned that the driver of this vehicle was Mr. Charlen Bernard Reinecke, 101 WM about 44 Yrs. of 2450 Gladiolas St, N.O.,La.

/s/ Detective James Miler
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS 30 day of March.
1968, AT NEW ORLEANS, LOUISIANA

Clerks Office 5-25 2000
A True Copy
/s/ illegible
JUDGE, OF THE CRIMINAL DISTRICT COURT, SECTION F
illegible Deputy Clerk,
Criminal District Court
Parish of Orleans

The search of the area was called off, until the AM on the morning of December 31, 1967.

At about 9:35 A.M. the body of Mr. Charles B. Reinecke, was found floating in a ditch along side of the roadway in the 8900 block of Old Gentilly Road, which was approximately 16 feet down town of New Orleans Public Service Pole numer 44.

Through investigation, it was determined that the victim Reinecke was shot one time in the right cheek. The body was pronounced dead by Dr. Ignacio Medina, of the Orleans Parish Cornors office.

Through investigation, on March 27, 1968, Sgt. Eugene Fields and Detective James V. Miller, upon examining the case file, noticed THAT on Jan. 29, 1968, one Lloyd West, CM, 19 yrs. was questioned relative to this

murder investigation, and that there was some details that were left unanswered, and the alibi of subject WEST appeared to be false.

On March 27, 1968, Sgt. Fields & Det. Miller obtained typed written, signed statements, from Mrs Dorothy Thornton, CF 30 yrs of 3712 Bruxelles St. Mrs. Dudley Thornton, Jr. CM 30 yrs of 3712 Bruxelles St. and Thomas Crayton, CM 30 Yrs of 1425 La Harpe St. who was to be at a party with subject West on the night of Dec. 30, 1967. The statements given by each, telling that the only persons at the party at 1478 Lafreniere St., were themselves and that West was not see that day.

On Friday, March 29, 1968, Sgt. Fields and Det. Miller, requested assistance of Patans D. Delatte and P. Berner of the third District to go to the address of 1458 Senate St. apt E, and bring subject Lloyd West to the Detective Bureau for an interview by Fields & Miller, if this subject would permit same.

At about 7:30 P.M. Lloyd West agreed to accompany the officers to the Detective Bureau.

Sgt. Fields and Det. Miller interviewed Lloyd West, after informing him of his rights with New Orleans Police Department rights of an arrestee or investigation, form number 20893, that he was being investigated as a suspect in the murder of Charles B. Reinecke, cab driver for Yellow Cab Co.

Lloyd West signed form 20893, wavering his rights, and agreed to give the officer a signed typed written statement, and agreed to take a polygraph, which he agreed. The Officers then sent for Lloyd West mother, Mrs. Wilamina West of 1458 Senate St. Apt. E, and upon her arrival at the Detective Bureau, she was given the full details, that her

son, was being investigated as a suspect in this murder. Mrs. West agreed to assist the Officers by talking to her son, and she stated to the officers that he was not at her house when he mentioned he was, and she suggested that it would be good if he did take the Polygraph test.

At about 10:00 P.M. 3/29/68, Sgt. E. O'Donnel was contacted and upon his arrival at police headquarters, at about 10:20 P.M. Lloyd West was taken to the Polygraph Room, where he signed a standard form agreeing to take this examination.

At about 11:30 P.M. Sgt. O'Donnel called Sgt. Fields and Miller to the Polygraph, turning West over to them for interrigation and through this interrogration, Lloyd West, gave the Officers full details how he along with one Roland Gibson, robbed and shot the victim Charles B. Reinecke.

Lloyd West, in presence of his mother, agreed to give the complete details on video tape, which was handled by Patn. Malcolm Goode, of the Bureau of Identification.

Lloyd West gave the Officers the address of 4006 Duplessis St., bottom right apartment, as entering from the front of the building from the courtyard. Lloyd West, explained that the weapon used to shot the victim Reinecke, was a .22 revolver, blue or black in color, and that subject Roland Gibson still has this weapon, and had fired this weapon into a unknown colored females house in the project, address not known by him but agreed to show the officers if necessary at a later date, and that Lloyd West is still in possession of this weapon, and that he staye with his mother at 4006 Duplessis St, as explained and that this subject hides the gun under his matress, and has had on the past shot at the Armed Forces police, while being AWOL, and explained to the officers that he is dangerous.

For the above mention reasons, the request for a search warrant be issued for the search of this .22 caliber weapon used in the murder of Charles B. Reinecke, which may be concealed in the described address.

/s/ Detective James Miller
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS 30 day of March.
1968, AT NEW ORLEANS, LOUISIANA

Clerks Office 5-25 2000
A True Copy
/s/ illegible
JUDGE, OF THE CRIMINAL DISTRICT
COURT, SECTION F
illegible Deputy Clerk,
Criminal District Court

Parish of Orleans

APPENDIX I

CRIMINAL DISTRICT COURT FOR
THE PARISH OF ORLEANS

STATE OF LOUISIANA

Case No. _____ Item No. L-21825-67

SEARCH WARRANT

ORDER OF SEARCH

TO: THE SUPERINTENDENT OF THE NEW ORLEANS DEPARTMENT OF POLICE and/or HIS DESIGNATED REPRESENTATIVE(S).

AFFIDAVIT(S) HAVING BEEN MADE BEFORE ME BY Detective James V. Miller

That he has good reason to believe that on or in the (premises) (XXXXXXX) (XXXXXXX) located at 4006 Duplessis St. Apt. "E" within the Parish of Orleans, State of Louisiana as more fully described in the application for this warrant, there is now being concealed certain property, namely, .22 Caliber Revolver, blue or black in color, with black tape around the handle, which is dismantled.

WHICH said property constitutes evidence of the commission of a crime or offense against the Laws of the

State of Louisiana set forth in the Louisiana Revised Statutes, and as I am satisfied from the affidavit(s) submitted in support of the application for this warrant that there is probable cause to believe that the aforesaid property is being concealed on the (premises) (XXXXX) (XXXXXX) above described, and that the aforesaid grounds for the issuance of this search warrant exist;

YOU ARE HEREBY ORDERED to search forthwith the aforesaid (premises) (XXXXXX) (XXXXX) for the property specified, serving this search warrant and making the search, and if the property be found there, to seize it, leaving a copy of this warrant and a receipt for the property seized, to make your written return on this warrant including a written inventory of the property seized and to bring the said seized property before me within ten (10) days of this date as required by law.

YOU ARE (XXXXXX) AUTHORIZED to execute this warrant and to make this search during the daytime or the nighttime and if the property herein described be found on the (premises) (XXXXXXXX)(XXXXXXX) herein described to seize said property in accordance with law.

YOU ARE (XXXXX) AUTHORIZED to execute this warrant and to make this search on a Sunday and if the property herein described be found on the (premises) (XXXXXXXX)(XXXXXXXXXX) herein described to seize said property in accordance with law.

NEW ORLEANS, LOUISIANA, THIS 30 DAY OF MARCH 1968.

/s/ illegible
Judge, Section F
CRIMINAL DISTRICT COURT

COPIES:

1-Person Upon Whom Warrant is served
1-Judge Signing Warrant
1-District Attorney
1-Record Room
1-2nd Copy (When Making Return) to Judge
Who Signed the Warrant

Clerk's Office 5-25 20 00
FORM 117 A A true Copy

Revised December 1966 illegible Deputy Clerk,
Criminal District Court

Parish of Orleans

CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

APPLICATION FOR SEARCH WARRANT

BEFORE ME, the undersigned Judge of the Criminal District Court, Parish of Orleans, State of Louisiana, personally came and appeared: Detective James V. Miller
living and residing at: 2121 Indiana Ave. Kenner, La.

WHO, after being duly sworn by me, deposed and said that a search warrant should issue authorizing the search, during the daytime or the nighttime and on Sunday, of the following described (premises)(XXXXX)(XXXXX)
1458 Senate St. Apt E.
more particularly described as: multiple family dwelling
municipal number 1458 Senate Street, Apt. E

Type of Occupancy (residence)(XXXXX)

Structure brown brick
Number of Stories two stories
Apartment Number "E"
FOR the purpose of seizing the following described property .22 caliber revolver, blue or black in color with black tape around the handle, which is presently dismantled

Clerk's Office 5-25 20 00
A true Copy

Revised December 1966 illegible Deputy Clerk,
Criminal District Court

Parish of Orleans

Revised December 11966

Page two(2) Continued on page three(3)

THE reasons and facts for the request of this search warrant are:

That on December 30, 1967, a Yellow cab number 662, bearing 1967 La. License, was found abandoned in the 9000 block of Old Gentilly Road, at about 9:00 P.M. by Patrolman N. Nunez of the Seventh District, and upon close examination of this cab, found with the lights on, motor running, the officer found what appeared to be blood stains on and about the floor of the cab. No operator could be found in the area. Fearing foul play, the detective bureau was notified, a search was made of the immediate area, and proved negative. The cab was then taken to the Motor maintace and kept in a locked cage, for furthur Processing. Other investigation was conducted, attempting to locate the driver of said cab, but to no avall. It was learned from the Toye Bros. Yellow Cab Co. It was learned that the driver of this vehicle was Mr. Charlen Bernard Reinecke, 101 WM about 44 Yrs. of 2450 Gladiolas St, N.O.,La.

/s/ Detective James Miler
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS 30 day of March.
1968, AT NEW ORLEANS, LOUISIANA

Clerks Office 5-25 2000
A True Copy
/s/ illegible
JUDGE, OF THE CRIMINAL DISTRICT
COURT, SECTION F

Parish of Orleans

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On March 30, 1968 at about 6:20 AM Roland Gibson was arrested from his residence at 4006 Duplessis St. Upon being interrogated denied any knowledge of the whereabouts of the weapon used in this crime.

On March 30, 1968 at about 10:00PM, upon arrival of Sgt. Fields and Det. Miller, processed to the Central Lockup and 10:05PM removed Lloyd West, taking him to the Detective Bureau, for further interrogation, again informing him of his constitutional rights with Police Department Rights of Arrestee form #20926. Through this interrogation West gave the officers information that the weapon used, that being a .22 cal. revolver, blue or black in color, with black tape around the handle, was concealed in the matress of his bed at his mother's house at 1458 Senate St. Apt. E. West stated the reason he did not tell the officers this in the beginning is because he felt that having this revolver in his possession that they would think that he did the shooting of the victim in stead of Roland Gibson. West agreed to give the officers this information on video tape, which was handled by Officer John Reilly of the Bureau of Identification.

For the above mention reasons, it is requested that a search search warrant be issued for the search of the 1458 Senate St., Apt, "E"

/s/ Detective James Miler
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME,
THIS 30 day of March.
1968, AT NEW ORLEANS, LOUISIANA

Clerks Office 5-25 2000
A True Copy
/s/ illegible
JUDGE, OF THE CRIMINAL DISTRICT
COURT, SECTION F

illegible _____Deputy Clerk,
Criminal District Court
Parish of Orleans